

REMARKS

The present application has been reviewed in light of the Office Action dated June 9, 2008. Claims 1-4 are presented for examination, of which Claim 1 is in independent form. Claim 1 has been amended to define Applicants' invention more clearly. Favorable reconsideration is requested.

Claims 1-4 stand rejected under the judicially created doctrine of obviousness-type double patenting, as being unpatentable over Claims 1-12 of U.S. Patent Appln. No. 10/708,566, of which the present application is a descendent. Applicants note that the claims of that co-pending application have not yet been allowed, and thus no further response to this rejection is required at present.

The Office Action states that Claims 1-4 are rejected under § 103(a) as being unpatentable over U.S. Patent No. 6,169,979 (*Johnson*), in view of U.S. Patent No. 5,910,987 (*Ginter*). Applicants submit that independent Claim 1, together with the claims dependent thereon, are patentably distinct from the cited prior art for at least the following reasons.

The aspect of the present invention set forth in Claim 1 is directed to a method for tracking costs associated with the consumption of computer-related hardware processing resources incurred by an entity comprising a plurality of groups. An important feature of Claim 1 is "billing information associated with consumption of computer-related hardware processing resources." By virtue of this feature, the billing information that is allocated by at least one business dimension is associated with past, as opposed to future, use of computer-related resources.

Johnson, as best understood by Applicants, is a system for generating customized proposals relating to the consumption and cost of utilities. *See Johnson*, Abstract. In *Johnson*, the system receives information related to a utility company's services, conservation programs, utility rates, and a customer's inventory. *Id.* The system then processes this information to determine an optimized result regarding how the customer can reduce their consumption and cost of utilities and generates a customized proposal reporting the findings to the customer. *Id.*

The present invention is not in the same field of endeavor as *Johnson*. While *Johnson* refers only to utilities such as power, gas, electricity, light, water, or steam, the present invention involves consumption of computer-related resources. *Johnson*, Col. 2 lines 39-57. Moreover, *Johnson* is directed to processing various factors and parameters related to utilities in order to generate an optimized result that is submitted to the customer as a proposal. *Johnson*, Col. 2 lines 2-10. The present invention does not involve analysis or optimization of factors or parameters, but rather entails the allocation by business dimension of computer-related resources that have already been consumed for billing purposes. Thus *Johnson* solves a problem which is different from that which the Applicants' invention is directed to solving.

Accordingly, Applicants submit that Claim 1 is allowable over *Johnson*.

Ginter, as understood by Applicants, relates to systems and methods for secure transaction management and electronic rights protection. In *Ginter*, virtual distribution environments (VDEs) help to ensure that information is accessed and used only in authorized ways, and maintain the integrity, availability and/or confidentiality of the information. The VDEs secure, administer and audit electronic information use.

Nothing has been found in *Ginter* that is believed to teach or suggest the “receiving,” “reading” and “allocating” features recited in Claim 1 to allocate billing information based on one or more business dimensions within an entity. At best, *Ginter* provides for monitoring of access to electronic information for billing purposes. However, this is in stark contrast to a system for facilitating the allocation of technology resource billings comprising, among others, receiving technology resource billing data associated with the consumption of computer related hardware processing resources, reading a business model file including at least one business dimension within the entity and allocating the billing based on the business dimension.

Accordingly, Applicants submit that Claim 1 is allowable over *Ginter*.

The other rejected claims in this application depend from the independent claim discussed above and, therefore, are submitted to be patentable for at least the same reasons. Because each dependent claim is also deemed to define an additional aspect of the invention, individual reconsideration of the patentability of each claim on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, Applicants respectfully request favorable reconsideration and an early allowance of the present application.

Applicants' undersigned attorney may be reached in our New York Office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address listed below.

Respectfully submitted,

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